

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THOMAS BERNHARDI, JOAN BECKFORD,
PATRICK STOYCON *and* WILLIS WAKE,
*on behalf of themselves and
all other employees similarly situated,*

Plaintiffs,

v.

LOWE'S COMPANIES, INC., LOWE'S HOME
CENTERS, INC., LOWE'S HIW, INC., THE
CONTRACTOR YARD, INC., *and* EAGLE
HARDWARE AND GARDEN DISTRIBUTION
SERVICES,

Defendants.

STIPULATION OF VOLUNTARY
DISMISSAL FOR WILLIS WAKE

03-CV-6372 T(P)

Pursuant to Federal Rule of Civil Procedure 41(a)(1), it is hereby stipulated and agreed, by and between the undersigned, the attorneys of record for all of the parties to the above-entitled action, that Willis Wake hereby discontinues his claims on the merits and with prejudice, without costs to either party as against the other.

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By: _____

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Dated: October 5, 2004

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Dated: October 7, 2004